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Case No. 24104 A

**THE COMMISSIONER OF PATENTS  
AND TRADEMARKS  
WASHINGTON, DC 20231**

*Transmitted herewith for filing in the reissue patent application of U.S. Patent No.: 5,842,685*

**Inventors: PURVIS ET AL**

**For: TEMPORARY GUARD RAIL SYSTEM**

**Serial No.: 09/703,277**


**Filed: October 31, 2000**

**Enclosed are:**

☒ **Replacement Terminal Disclaimer to Obviate a Double Patenting Rejection over a Prior**

☒ **The Commissioner is authorized to charge or credit any discrepancies in fee amounts to Deposit Account No. 01-0484.**

November 7, 2001  
Date

  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Patent Application of:)

PATENT NO. 5,842,685 for: )

PURVIS ET AL. )

Serial No. 09/703,277 )

Examiner: A. Chop

Filing Date: October 31, 2000 )

Art Unit: 3628

For: TEMPORARY GUARDRAIL SYSTEM )

Attorney Docket No.

24104A

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE  
PATENTING REJECTION OVER A PRIOR PATENT

Assistant Commissioner of Patents  
Washington, D.C. 20231

Sir:

Assignee, address of Rt. 1, Box 238D, Holly Springs, NC 27540, verifies through its duly authorized representative that it is the owner of all right, title and interest in United States Patent Application Serial No. 08/755,596, issued as U.S. Patent No. 5,683,074 (hereinafter "the '074 Patent") and has remained owner of all right, title and interest from the time of filing the original Assignment to the present. The Assignment was recorded on April 14, 1995 at Reel 007454, Frame 921-923 (see attached Assignment data and Request for Correction of Notice of Recordation of Assignment document). Assignee also verifies through its duly authorized representative that it is the owner of all right, title and interest in United States Patent Application Serial No. 09/703,277 (hereinafter the '277 Patent Application).

Assignee hereby disclaims, except as provided below, the terminal part of any patent granted on the '277 Patent Application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173 of the '074 Patent. Assignee hereby agrees that any patent so granted on the '277 Patent Application shall be enforceable only for and during such period that it and the

In re Patent Application of  
**PURVIS ET AL.**  
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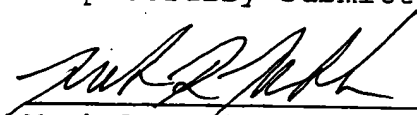
'074 Patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the Grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of the '074 Patent, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 35 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term.

For submission on behalf of Assignee, the undersigned is the agent of record.

A check in the amount of \$55.00 for the Terminal Disclaimer fee is enclosed. If any additional extension and/or fee is required, or if any additional fee for claims is required, charge Account No. **01-0484**.

Respectfully submitted,



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**CERTIFICATE OF FACSIMILE**

I hereby certify that this correspondence for U.S. Serial No. 09/703,277 has been forwarded via facsimile number 703-308-3687 to: ASSISTANT COMMISSIONER FOR PATENTS Attn: Andrea Chop, U.S. PATENT AND TRADEMARK OFFICE, WASHINGTON, D.C. 20231, on this 7<sup>TH</sup> day of November, 2001.

  
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Mark R. Malek